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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,345	09/25/2001	Tetsuo Nakata	1538.1017	5887

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WASHINGTON, DC 20005

EXAMINER

HAIDER, FAWAAD

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/961,345	NAKATA ET AL.	
	Examiner	Art Unit	
	Fawaad Haider	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/21/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claim: 1-4, 7-9, and 11-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter 'Huxter') in view of U.S. Patent Application No. US 2002/0072945 (hereinafter "Yang") and Japanese Patent Application No. 2002-324118 (hereinafter "Tsuneyuki").

Regarding **claim 1**, Huxter discloses a method for processing physical distribution information, said method comprising the steps of: receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106); receiving a shipment request from a sender of a package (#0183); determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step when said receiver is a member (see page 5, paragraph #116); when said delivery form determined in said determining step involves a movement of said package, generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116); [**claims 1, 17, 18, 34, 50**] wherein the receiving and registering schedule information is carried out asynchronously with the determining and is carried out without relationship with a specific shipment request; [**claim 2**] when said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); [**claim 3**] sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said

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package (see page 5, paragraph #11); **[claim 4]** receiving a delivery completion notice including receiving status data from said distributor (see page 2, paragraph #17); **[claim 7]** receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); **[claim 8]** there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); **[claim 9]** including information regarding a determined as undeliverable in said sending said sender a deliverable date when said delivery determining step (it is inherent that the e-tailer will be notified when a package is undeliverable); **[claim 11]** said generating step, when said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding, destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255); **[claim 12]** receiving and registering information of specified member from said member, and wherein, in said determining step, when said receiver is not available for receiving and said specified member is registered for said receiver, said schedule information for said specified member is referenced (see page 16, paragraph #255); **[claim 13]** when a delivery request to a non-member is received from a sender of a package, registering information of said non-member included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said provisional member information to said non-member when membership registration is requested from said nonmember (see page 7, paragraph #148); **[claim 14]** wherein in

said receiving and registering step, schedule information regarding a form of receiving said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106)) [claim 15] wherein said determining step comprises a step of sending a schedule input request to said receiver when said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and [claim 16] wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106).

Regarding claim 17, Huxter discloses a method for processing physical distribution request, said method comprising the steps of sending a central server (1000) a delivery request of a package, said delivery request specifying at least a receiver (400); and receiving a result notice of delivery scheduling including a case where it is indicated that said package is undeliverable, from said central server before starting to deliver said package (see page 16, paragraphs #255-256).

Huxter discloses a program, apparatus, and method as set forth in claims 18-50. Claims 18-50 are similar to previously addressed claims 1-4, 7-9, and 11-16.

Regarding claims 1, 17, 18, 34, and 50, Huxter fails to disclose the plurality of days with predetermined period of the schedule information carried out in advance of a shipment request and the receiving and registering schedule information is carried out without relationship with a specific shipment request.

Yang teaches method of package delivery and pickup including schedule information comprising at least one of the forms of receiving the package addressed to

the member for each of a plurality of days within a predetermined period (see page 4, paragraphs 0060-0062).

Tsuneyuki discloses a method of home delivery where the receiving timing is pre-recorded, therefore storing the goods until a suitable time is found (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter with schedule information related to a plurality of days as taught by Yang and to incorporate the utilization of pre-recording of Tsuneyuki, because delivering items when the receiver is likely available to accept the items increases the efficiency of the delivery service, wherein decreasing the expense related to unsuccessful delivery attempts.

Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Yang and Tsuneyuki as applied to claims 1 and 4 above, and further in view of U.S. Patent Application No. US 2002/01268 13 (hereinafter "Partovi").

The combination of Huxter, Yang, and Tsuneyuki disclose all claimed elements as set forth above in paragraphs 3-4, but fail to explicitly disclose the use of giving the customer a reward for correct registration.

Partovi teaches the use of providing a reward for registering (see paragraph [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Yang and Tsuneyuki with a registration reward as taught by Partovi, because rewarding customers increases the likelihood that customers will do events desired by businesses.

Response to Arguments

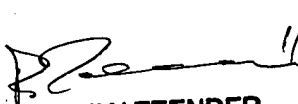
Applicant's arguments filed 8/25/2006 with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


F. RYAN ZEENDER
PRIMARY EXAMINER

1/22/07

Fawaad Haider
Examiner
Art Unit 3627